



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

STATE COUNSEL DIVISION  
Litigation Bureau

Writer Direct: (518) 473-7184

October 5, 2009

**First-Class**  
**Mail & E-Mail**

Xu-Shen Zhou  
8 Wilbur Road  
New Hartford, NY 13413  
jasonbz4@yahoo.com

Re. *Zhou v. SUNYIT*, 6:08-CV-0444 (DNH) (GJD) (N.D.N.Y);  
*Zhou v. SUNYIT*, 4:09-mc-00323 (MM) (M.D. Pa.)

Dear Mr. Zhou:

I am in receipt of your letter dated September 29, 2009, and your October 1, 2009 letter to Magistrate Judge DiBianco (*Zhou v. SUNYIT*, 6:08-CV-0444 (N.D.N.Y), Docket Entry 36), copies of which are attached for your reference.

As a preliminary matter, Bloomberg University has agreed to withhold documents responsive to the Defendants' Subpoena pending a resolution of your motion to quash. Moreover, I do intend to raise the propriety of the subpoena to Bloomberg University before Magistrate Judge DiBianco at the discovery conference scheduled to take place on October 16, 2009. I likewise have informed counsel for the United States Office of Homeland Security that I will not be serving it with a subpoena for records pertaining to your immigration status until after you have addressed your objections to Magistrate Judge DiBianco.

With respect to your second set of Document Demands, my clients have just provided me with documents that may be responsive, and I will be producing them shortly. I will not be addressing your third sets of discovery demands until after I have raised their propriety with the Magistrate Judge. Defendants strongly believe that they have been made solely for the purpose of harassing them, and unnecessarily burdening the them with unnecessary litigation expenses.

Defendants find it ironic that you are stonewalling against all of their discovery efforts, while you serve numerous discovery requests that are cumulative, unduly burdensome, and

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irrelevant. As I have told you on numerous occasions, Defendants provided in their initial disclosures all materials pertaining to your employment by SUNYIT, and all materials pertaining to its decision not to renew your employment contract.

With respect to the telephone message you left for me, in which you offered to settle this matter for a small sum so that Defendants may avoid the expenses involved in litigation, there is no interest at this time.

Finally, while Defendants will agree to hold in abeyance your motion to quash made in the District Court for the Middle District of Pennsylvania pending a resolution of our discovery disputes by Magistrate Judge DiBianco, they will not consent to your request to postpone the judicial conference scheduled for October 16, 2009. Defendants wish to complete discovery and depositions, and file their dispositive motion expeditiously. You have told me on a number of occasions that you already have retained counsel who planned to represent you at depositions. When I indicated that Defendants would object to a "limited" appearance, and to the presence at deposition of anyone other than the parties or attorneys of record, you stated that your attorney would be filing a notice of appearance and then representing you for the remainder of the litigation. Your attorney surely can file his notice of appearance within the week, and once he does, he can call me and I will make every effort to accommodate his schedule.

Very truly yours,

*s/ Douglas J. Goglia*

Douglas J. Goglia  
Assistant Attorney General

cc. Hon. Gustave J. DiBianco (via CM/ECF)  
United States Magistrate Judge  
United States District Court for the  
Northern District of New York  
Federal Building and U.S. Courthouse  
P.O. Box 7396  
Syracuse, New York 13261-7396

Hon. Malcolm Muir (via First-Class Mail)  
United States Senior District Judge  
United States District Court for the  
Middle District of Pennsylvania  
U.S. Courthouse & Federal Office Building  
240 West Third Street, Suite 218  
Williamsport, PA 17701